UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.183/SR.194
12 February 1993

ORIGINAL: ENGLISH

COMMITTEE ON THE EXERCISE OF THE INALIENABLE
RIGHTS OF THE PALESTINIAN PEOPLE

SUMMARY RECORD OF THE 194th MEETING

Held at Headquarters, New York,
on Thursday, 21 January 1993, at 10.30 a.m.

Chairman: Mr. CISSE (Senegal)

CONTENTS

Adoption of the agenda

Consideration of the recent developments in the occupied Palestinian territory

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, Office of Conference Services, room DC2-750, 2 United Nations Plaza.

Any corrections to the record of this meeting and of other meetings will be issued in a corrigendum.

93-80084 6614S (E)

/...

The meeting was called to order at 10.55 a.m.

ADOPTION OF THE AGENDA

1. The agenda was adopted.

CONSIDERATION OF THE RECENT DEVELOPMENTS IN THE OCCUPIED PALESTINIAN TERRITORY

2. The CHAIRMAN invited the Committee to consider the serious situation in the occupied Palestinian territory arising from the decision of the Israeli authorities to deport 415 Palestinians from that territory, an action that was the more deplorable in view of the ongoing peace talks on the Middle East, where all parties were expected to demonstrate restraint and flexibility and refrain from acts detrimental to peace.

3. Israel's recourse to collective sanctions against the Palestinians from the occupied Palestinian territory constituted a grave violation of international law and in particular of the fourth Geneva Convention, article 49, paragraph 1, which prohibited the deportation of persons living in an occupied territory to any other territory for any reason.

4. He called upon Israel, the occupying Power, to respect international law and implement the fourth Geneva Convention in the Palestinian and Arab territories occupied since June 1967, including Jerusalem. Israel must implement Security Council resolution 799 (1992), which demanded the safe and immediate return to the occupied territories of all those deported. He hoped that the international community would shoulder its responsibilities in the face of Israel's intransigence and its refusal to implement the resolution, which had dangerous consequences for the peace process. On behalf of the Committee, he called upon the Security Council to take prompt action to implement its resolution.

5. The Committee had taken note of the various statements adopted by the non-aligned countries, the Islamic Conference, the European Community and the Arab Coordination Meeting requesting Israel to comply with the Security Council resolution and allow the deportees to return.

6. Mr. AL-KIDWA (Observer for Palestine) expressed the hoped that the year 1993 would witness the extension of peace in the Middle East and the achievement of justice for the Palestinians.

7. As Permanent Observer of Palestine to the United Nations, he had on 8 January 1993 sent a detailed letter on the deportees' situation to the Secretary-General and to the President of the Security Council. The letter, which had been issued as document A/47/858-S/25075, began by giving particulars of Israel's deportation of more than 400 Palestinian civilians from the occupied Palestinian territory on 17 December 1992, an unconscionable act on the part of a Member of the United Nations, and went on to deal with the question of deportation in general, which was the subject of 11 Security

(Mr. Al-Kidwa, Observer, Palestine)

Council resolutions and was held by the fourth Geneva Convention to be a grave violation of international law. The letter concluded by stating that the deportation of the Palestinians on 17 December was just such a violation, flouted many Security Council resolutions and various human rights instruments. Moreover, the concept of deportation was parallel to that of "transfer" and other racist ideas, such as ethnic cleansing. It constituted a form of collective punishment, and the peace process could not succeed as long as it went on. The international community was duty-bound to compel Israel, a Member of the United Nations, to abide by its obligations under Article 25 of the Charter and to guarantee respect for international law, especially the fourth Geneva Convention. It was Palestine's firm belief that the Security Council must adopt a new resolution under Chapter VII of the Charter to ensure Israel's acceptance of previous resolutions, especially resolution 799 (1992).

8. Since 8 January, various developments had taken place. Arab Ministers for Foreign Affairs had met in Cairo and issued a firm statement calling on the Security Council to apply the Charter, including Chapter VII, and a similar statement had been issued by the Organization of the Islamic Conference. International condemnation of the Israeli position had been mounting, and many States had asked the Security Council to implement its resolution 799 (1992). The situation of the deportees had deteriorated, as indeed had conditions within the occupied Palestinian territory: Israeli occupation forces had shot and killed 10 Palestinian children under 17 years of age during January 1993. Although the Secretary-General had sent his Special Representative, Mr. Gharekhan, to Israel for a second time, it was clear that Israel meant to hold unswervingly to its position.

9. His delegation understood that the Secretary-General was to submit a report to the Security Council before the end of the current week. Accordingly, it was only fitting that the Committee should take a stand that would contribute effectively to an international effort to compel Israel to pay heed to world opinion and comply with resolution 799 (1992). He believed that the Security Council had a clear duty to ensure that resolution's implementation by adopting a new resolution under Chapter VII of the Charter imposing sanctions on Israel until such time as it abided by, and implemented, the initial resolution. Should the Council fail to do so, it would lose all credibility in the eyes of the Arab and Islamic world, in much of the third world and in all peace-loving countries.

10. In the current situation, to pursue the Madrid peace process would be tantamount to declaring that international law, including Security Council resolutions and international treaties, did not apply to Israel and the Middle Eastern conflict. A just and lasting settlement of that conflict was illusory so long as its achievement was left to the military might of the parties.

11. The matter under discussion was of grave concern and had many dimensions: human rights, international law, the possibility of achieving peace in the Middle East, and the very foundations of the New World Order. It could have far-reaching repercussions on Arab societies. The position of the

(Mr. Al-Kidwa, Observer, Palestine)

Permanent Observer Mission of Palestine was clear: it supported absolutely the proposed statement, which would send the right signal to other parts of the United Nations system as to their duty to foster compliance with international law.

12. Mr. KHOUINI (Tunisia) supported the issue of the draft statement, which would be the least the Committee could do in the circumstances. The deportees' plight was worsening: they were suffering from cold, malnutrition and illness. The adoption of the draft statement could be followed by action on the part of other United Nations bodies, and would in fact put pressure on them to take such action.

13. Mr. SREENIVASAN (India) expressed his delegation's frustration that the draft declaration was being considered so long after the onset of the events to which it related, whereas work on the matter among the non-aligned members of the Security Council had begun in December 1992.

14. India's position was well known. It had voted for resolution 799 (1992) and had worked with other delegations to determine what more could be done when the implementation of that resolution had been frustrated. It supported the draft statement, which, by reflecting the near-unanimous view of the international community that Israel's actions were a grave violation of the norms of international conduct, would strengthen the hand of the Security Council. He suggested, however, that the word "continuing" should be added before the word "efforts" in the first sentence of the third paragraph, since those efforts were not yet concluded.

15. Mr. KOUYATE (Guinea) said that the plight of the Palestinian deportees reflected Israel's obstinate refusal to accept peace. His delegation was pleased that the Committee had convened to consider the draft statement, which it supported. On a drafting point, however, he thought that the second sentence of the draft statement should speak of Security Council resolutions which "demand", rather than "have demanded", that Israel should refrain from deporting Palestinians.

16. Mr. AL-NI'MAH (Observer for Qatar) said that the voices of nations were raised in condemnation of Israel's decision to deport hundreds of Palestinians. Israel must end its intransigence and allow the deportees to return home. In the light of the progress achieved in liberating people from oppression and enabling them to exercise their right to self-determination, all nations must protest Israel's violation of its obligations.

17. The Palestinian people had suffered from Israeli oppression, intransigence and terror for decades, yet Israel had refused to heed all condemnations of its aggression. The statement by the Observer for Palestine had described the current situation clearly and accurately. He had appealed to the international community to do at least the minimum dictated by conscience on behalf of the deportees and to call upon Israel to restore the rights of the Palestinian people.

(Mr. Al-Ni'Mah, Observer, Qatar)

18. His delegation strongly supported the draft statement, which represented a clear appeal to the Security Council to fulfil its mandate.

19. Mr. MORENO FERNANDEZ (Cuba) said that the action taken by the Israeli authorities in December 1992 in deporting over 400 Palestinians and the situation arising out of that illegal act had not only an essentially human dimension, but an important political dimension as well. The Committee, the highest authority in the United Nations for the restoration of the legitimate rights of the Palestinian people, had responsibility for both the humanitarian and political aspects.

20. For over a year, almost all Security Council action in the face of repeated violations by Israel of international law had been constrained on the pretext that the Madrid peace negotiations under way might be thwarted, but that argument was no longer valid. Israel had shown that it did not share the same level of interest in the peace talks as the rest of the international community. If the Security Council was to avoid a double standard, where it took vigorous action in some cases and none at all in others, it must take definitive action in that situation, based on Chapter VII of the Charter.

21. His delegation fully supported the draft statement and the amendments made by the representatives of India and Guinea. The Committee should be prepared to meet whenever necessary, in order to exert due pressure on other United Nations bodies to act against continuing violations of international law by Israel.

22. Mr. MAHMOOD (Pakistan) said that his Government was concerned by the shocking conditions in which the deported Palestinians were living and the fact that they had been denied humanitarian assistance. It called for more rapid action by the international community to implement Security Council resolution 799 (1992) and to avoid future illegal action. His delegation gave its wholehearted support to the draft statement.

23. Mr. MAHMOUD (Observer for Lebanon) said that it was time for the Security Council to act to put an end to Israel's unique status as a nation that considered itself outside international law. Lebanon had been a victim of such discrimination; 15 years after their adoption, Security Council resolutions concerning the occupation of southern Lebanon still had not been implemented.

24. His delegation suggested that the last sentence of the first paragraph should be amended to read "it is also in flagrant violation of the sovereignty and territorial integrity of Lebanon, and is contrary to the Charter of the United Nations and the principles of international law". In the second line of the second paragraph, the words "this violation" should be replaced by "these violations".

25. Mr. GHAFOORZAN (Afghanistan) said that his Government had issued a statement condemning the deportations as a flagrant violation of all norms of international law.

26. In the fourth paragraph of the statement, two different subjects were being addressed: the actual cause of the situation, which was the act of deportation, and its consequences - the inhuman situation of the deportees. He therefore suggested that, in the seventh line of the fourth paragraph, after the word "responsibility", the phrase "for the unlawful and repressive action and" should be inserted, and, after the word "situation", the phrase "brought about as a result of it" should be added. In the sixth line of the final paragraph, the measures referred to would be temporary, the ultimate objective being to find a durable solution to the Palestinian question. The temporary measures would consist in providing appropriate protection to the Palestinians in the occupied territories. Accordingly, the following words should be added at the end of the text: "until a permanent, durable and just solution is found to the question based upon the United Nations Security Council and General Assembly resolutions."

27. Mr. El-AMRANI (Observer for Morocco) said that the position of his country on the Palestinian issue was well known, and that his delegation supported the draft statement before the Committee.

28. The CHAIRMAN said he took it that the Committee wished to adopt the text of the draft statement as amended.

29. It was so decided.

30. Mr. AL-KIDWA (Observer for Palestine) said that his delegation was grateful for the support for Palestinian people expressed by the Committee. He hoped that the Committee would continue to take an interest in the deportees and would work for further action in the Security Council on that question.

The meeting rose at 12.20 p.m.

UNITED NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.183/SR.195
12 February 1993

ORIGINAL: ENGLISH

COMMITTEE ON THE EXERCISE OF THE INALIENABLE RIGHTS
OF THE PALESTINIAN PEOPLE

SUMMARY RECORD OF THE 195th MEETING

Held at Headquarters, New York,
on Wednesday, 27 January 1993, at 10.30 a.m.

Temporary Chairman: Mr. Boutros BOUTROS-GHALI (Secretary-General of the United Nations)

Chairman: Mr. CISSE (Senegal)

CONTENTS

Adoption of the agenda

Election of officers

Organization of work

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, Office of Conference Services, room DC2-750, 2 United Nations Plaza.

Any corrections to the record of this meeting and of other meetings will be issued in a corrigendum.

The meeting was called to order at 10.55 a.m.

ADOPTION OF THE AGENDA (A/AC.183/1993/L.1)

1. The agenda was adopted.

ELECTION OF OFFICERS

2. Mr. WISNUMURTI (Indonesia) said that the current negotiations on the Middle East had made the role of the Committee even more critical. There was increasing frustration that the talks had not yet yielded any productive results and that no progress had been made on the critical question of the nature of the self-governing authority during the period of transition. Moreover, the refusal by Israel to implement the relevant General Assembly and Security Council resolutions had led to a situation of virtual stalemate.

3. In such circumstances, the re-election of officers of proven competence was called for. He therefore proposed that Mr. Cissé (Senegal) should be re-elected Chairman, that Mr. Hidalgo Basulto (Cuba) should be re-elected Vice-Chairman, and that Mr. Camilleri (Malta) should be re-elected Rapporteur.

4. Mr. KOUYATE (Guinea) seconded the nominations put forward by the representative of Indonesia.

5. Mr. Cissé (Senegal), Mr. Hidalgo Basulto (Cuba) and Mr. Camilleri (Malta) were elected Chairman, Vice-Chairman and Rapporteur by acclamation.

6. Mr. Cissé (Senegal) took the Chair.

7. The SECRETARY-GENERAL said that the Committee had played and continued to play a major role in the search for a just and lasting peace to the Palestinian question. He therefore wished to pay tribute to the work which the Committee had done so far. The re-election of the Chairman was testimony to the contribution of Senegal, a country which over many years had demonstrated its commitment to peace in the Middle East.

8. The Committee's mandate had been renewed by an overwhelming majority of Member States at the forty-seventh session of the General Assembly. He was following the evolution of Arab-Israeli relations with the utmost attention and one of his principal objectives was the achievement of peace in the Middle East, an issue which was for him a constant preoccupation. Broad agreement existed within the international community that the settlement of the Palestinian question should be based, firstly, on the withdrawal of Israeli forces from the Palestinian and other Arab territories occupied since June 1967; secondly, on recognition of and respect for the sovereignty, territorial integrity and political independence of all the States in the region, including their right to live in peace within secure and recognized

(The Secretary-General)

borders; and lastly, on recognition of the legitimate rights of the Palestinian people, including their right to self-determination.

9. The peace process, which had been launched at Madrid more than a year previously, had been welcomed throughout the world. It had given rise to hope everywhere that decisive progress could at last be made towards finding a solution to the long and tragic conflict. That process had received the support of the parties concerned and was taking place within the framework of Security Council resolutions 242 (1967) and 338 (1973). The negotiations which had taken place had proved that the parties were capable of entering into a dialogue. As he had made clear on several occasions, the United Nations stood ready to help the participants to formulate and conclude a just, lasting and comprehensive peace in the region. He was therefore pleased to accept the invitation to attend the multilateral peace negotiations on the Middle East. He had appointed Mr. Chinmaya Gharekhan, a former Permanent Representative of India to the Organization, as his Special Representative at those negotiations. Mr. Gharekhan had already begun to coordinate United Nations action within the five working groups, one of which dealt with the question of refugees, while the others were concerned with issues of arms control and security, the environment, water and economic and regional development, respectively.

10. Tensions in the occupied territories had been rising since December 1987. Hundreds of people had been killed, including a large number of children. Many Palestinians had been forced to abandon the towns and villages where they had lived for several generations. It was therefore vitally important to ensure that the provisions of the fourth Geneva Convention were applied to all the territories occupied since 1967. The international community, time and again, had declared that the Geneva Convention was applicable to the occupied territories. Time and again, it had appealed to Israel to honour its obligations as the occupying Power. He hoped that he would be heeded when he repeated that the principal Contracting Parties to the Convention had a duty to ensure that the provisions of the Convention were fully observed in the occupied territories. The credibility of the Convention was at stake. Indeed, the credibility of international law and of international organizations themselves was at stake. Declarations of intent and resolutions whose provisions were never effectively implemented did not serve the cause of peace. They merely built resentment and heightened criticism of international efforts in the service of the most noble ideals.

11. Israel's decision, on 17 December 1992, to deport 415 Palestinian civilians to Lebanon had aroused great concern. That action was illegal under international law and Security Council resolutions. On 18 December 1992 the Security Council had unanimously adopted resolution 799 (1992), which forcefully reaffirmed that position. The Council had demanded that Israel, the occupying Power, should ensure the safe and immediate return to the occupied territories of all those deported.

(The Secretary-General)

12. In response to the Council's request, he had sent to the region Under-Secretary-General James Jonah, whose mission had proved inconclusive. He had then sent his Special Representative, Under-Secretary-General Chinmaya Gharekhan, to the region to discuss with the Government of Israel ways of bringing an end to the situation. After receiving the assessment of Mr. Gharekhan, who had made two visits to Israel, he had submitted a report to the Security Council on 25 January 1993 (S/25149). Developments, such as those that were the subject of the report, underscored the need to achieve a comprehensive, just and lasting peace in the Middle East. Only then could the root causes of the continuing violence be eliminated. That objective had long been and would continue to be an important focus of United Nations efforts. The ongoing volatility of the situation in the occupied territories remained a matter of deep concern and made it all the more imperative that the international community should spare no effort in pursuit of a settlement. For his part, he remained committed to doing everything possible to help in that endeavour.

13. The Committee had done much to advance the rights and the aspirations of the Palestinian people. The programme of regional seminars, information activities and meetings of non-governmental organizations which it sponsored had helped to increase knowledge of the question at the international level. He assured the Committee of his full support in the continuation of its work.

14. The CHAIRMAN observed that United Nations efforts to resolve the Palestinian question were entering into a crucial phase, requiring decisive action by the Committee to hasten international recognition of the Palestinian people and allow them free exercise of their inalienable rights. The Committee must promote concerted efforts to oblige Israel to return the recently deported Palestinians to their homes. The unambiguous report the Secretary-General had just submitted to the Security Council on that question was eloquent testimony to his determination to resolve the Palestinian problem equitably. The Committee could also count on the collaboration of the dedicated staff of the Division of Palestinian Rights.

15. Mr. AL-KIDWA (Observer for Palestine) endorsed the three principles which the Secretary-General had just enunciated as the basis for a just and lasting peace in the Middle East and welcomed his recent report to the Security Council (S/25149) on the question of the Palestinian deportees. The observations and recommendations contained in that report, including the observation on a United Nations monitoring mechanism in the occupied territories, were particularly welcome. He noted with satisfaction the Secretary-General's recommendation to the Security Council that it should take whatever measures were required to ensure that its unanimous decision, as set out in resolution 799 (1992), was respected.

16. The meeting of Ministers for Foreign Affairs of the Organization of the Islamic Conference, the Palestinian Committee of the Non-Aligned Movement and the Committee on the Exercise of the Inalienable Rights of the Palestinian

(Mr. Al-Kidwa, Observer, Palestine)

People had all clearly stated that, in view of Israel's failure to comply with resolution 799 (1992), the Security Council should adopt a further resolution to provide for its enforcement. Such a step was essential and would strengthen the Counci'ls credibility in the eyes of the Palestinian people, the Arab people and the international community as a whole. It would also confirm the Council's ability to deal with the issues before it in an even-handed manner, in accordance with the norms of international law and the provisions of the Charter. His delegation looked forward to the support of all friendly countries, especially the countries members of the Committee, to move the Council in that direction. Success in that effort would save the peace process launched at Madrid and create a new political environment that would move the parties along the path to a settlement and to peace and security in the Middle East.

17. Mr. RAZALI (Malaysia) said that the Committee's work was of particular importance at a time when the question of the exercise of the inalienable rights of the Palestinian people was occupying the attention of the Security Council, and the Committee should therefore act in tandem with the Council and with the General Assembly. He was confident that the Committee would succeed in creating greater awareness within the international community of the cause of the Palestinian people and wished to pledge his delegation's cooperation in that effort.

18. The Secretary-General's report to the Security Council (S/25149) demonstrated the courage and sense of justice of the Secretary-General as well as his steadfastness in pursuing the matter to a successful conclusion. Previous efforts to implement the relevant resolutions of the Council had had no success. It had been two years, for example, since Security Council resolution 681 (1990) had even been considered. The current situation provided an opportunity for the Council to resurrect the substance of that resolution and to adopt a more even-handed approach to the question of the Middle East. He therefore appealed to all members to support the proposal which the Palestinian delegation had put forward in that regard.

19. Mr. MARKER (Pakistan) said that his delegation was aware of the importance of the occasion and, as a member of the Security Council, it wished to assure the Committee that it would do all in its power during the deliberations of the Council to ensure the implementation of its relevant resolutions.

20. Mr. AL-NI'MAH (Observer for Qatar) said that the recent deportation of Palestinians by Israel showed the extent of Israel's determination to defy United Nations resolutions and international law. He appealed to the Chairman to redouble his efforts both in the Committee and in Security Council consultations, so that the international hope of seeing the Palestinian people sovereign in its own territory would become a reality. The Security Council should adopt an unequivocal resolution that would reaffirm the rights of the Palestinian people and send a clear message to Israel to convince it to change its policy.

21. Mr. GAMBARI (Nigeria) observed that there would be no peace in the Middle East without the recognition of a Palestinian homeland. All who had fought for self-determination had triumphed, and the Palestinian people too would be victorious. His delegation hoped that, at the current critical juncture, the peace process in the Middle East would move ahead rapidly and hasten the establishment of the Palestinian nation.

22. Mr. KHOUINI (Tunisia), noting that his country was host to the PLO, whose ideals it shared and whose cause it had espoused, expressed support for the Secretary-General's report (document S/25149), which correctly viewed the problem of the Palestinian deportees from a moral perspective. Tunisia also commended the Secretary-General for the courageous and principled analysis, in the statement he had just made before the Committee, of the Palestinian problem and the solution to it.

23. The Observer for Palestine had in his statement made moderate demands, asking for nothing more than the application of justice. In working bravely to advance peace, the PLO had maintained the same responsible attitude, and all should rally to its support. The Bureau of the Committee should continue to work in every way to help the Palestinian cause and to secure compliance with United Nations resolutions. The Arab Group, for its part, had begun to mobilize support, both inside and outside the Committee, for taking immediate action; and was, in consultation with the PLO, drafting a resolution for submission to the Security Council.

24. Whether justice or the double standard would prevail was a question of ethics, and the credibility of the United Nations and the new world order were at stake.

25. Mr. HIDALGO BASULTO (Cuba) said that an injustice almost as old as the United Nations itself demanded redress. The Observer for Palestine had set out the only possible bases for a solution to the Palestinian problem. There must be absolute compliance with the relevant United Nations resolutions, especially Security Council resolution 799 (1992), which authorized concerted action. The Organization's own credibility was at stake. The 400 deportees exemplified the suffering of the entire Palestinian people, suffering which the Committee must take the leading role in ending.

26. Mr. SAMASSEKOU (Mali) said that he wished to renew his country's commitment to the Committee's noble task of re-establishing the natural right of a whole people.

27. Mr. BATIOUK (Ukraine) observed that the way to re-establish justice was by following the principles laid down in the statement of the Secretary-General. The power of international law, not that of any super-Power, should govern. The sooner the rights of the Palestinian people were restored, the sooner peace would be restored in the Middle East.

ORGANIZATION OF WORK

28. Mr. CAMILLERI (Malta), Rapporteur, said that the preponderant international sentiment in favour of settling the Palestinian question justly and permanently should encourage the Committee to intensify its own efforts. The programme of work for 1993 would be drafted in the near future for submission to the Committee, in the light of the ongoing peace talks and the disquieting recent developments in the occupied Palestinian territory. To facilitate the exercise, he proposed that the open-ended Working Group should be re-established in accordance with past practice.

29. The CHAIRMAN said he took it that the Committee wished to re-establish the Working Group under the chairmanship of the Rapporteur and the vice-chairmanship of a representative of India.

30. It was so decided.

The meeting rose at noon.